

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA

)

v.

)

No. 3:05-cr-020

)

JAMES RAY ROUNDTREE

)

**ORDER**

The defendant is charged with being a convicted felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1) [see Doc. 1]. Pursuant to this court's memorandum and order [Doc. 27] filed on September 12, 2005, the Honorable H. Bruce Guyton, United States Magistrate Judge, conducted a hearing on November 14, 2005, to determine the reliability and training of K-9 dog "Tasja." On December 9, 2005, Judge Guyton filed a 13-page Supplemental Report and Recommendation (SR&R) [Doc. 32] in which he recommended again that defendant's motion to suppress [Doc. 12] be denied; thus, he again recommended that the firearm and ammunition recovered from the glove box of the automobile which the defendant was driving on November 16, 2004, as well as all statements made by the defendant in conjunction with his arrest, be admitted at trial.

This matter is presently before the court on defendant's timely and well-briefed objections to the SR&R [see Doc. 36] and the government's equally well-briefed response to those objections [see Doc. 37].<sup>1</sup> As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the SR&R to which defendant objects. After doing so, the court finds itself in complete agreement with Judge Guyton's analysis of all of the legal issues arising out of the evidence presented at the November 14th hearing. In fact, any further comment by this court would be repetitious and is unnecessary. The court fully agrees with Judge Guyton's ultimate conclusion that Tasja is reliable, credible, and well-trained and, more importantly, was so at the time of the search of the vehicle in question. The court also agrees with Judge Guyton's underlying conclusion that the various categories of alerts, *i.e.*, alerts to detectable amounts of illegal drugs, prescription drugs, residue, and odor, all count as successful alerts with respect to considering Tasja's reliability.

Accordingly, defendant's objections to the SR&R [Doc. 36] are hereby  
OVERRULED in their entirety whereby the SR&R [Doc. 32] is ACCEPTED IN

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<sup>1</sup>The court notes for the record that defendant has requested oral argument with respect to his objections [see Doc. 36, p.1]; however, the court finds that oral argument would not be particularly helpful, in part because the parties did file such outstanding briefs and in part because Judge Guyton undertook such an exhaustive analysis of the legal issues presented. Moreover, this court heard oral argument with respect to defendant's first round of objections; thus, the court is quite familiar with this case and its attendant legal issues.

WHOLE. Consequently, defendant's motion to suppress [Doc. 12] is hereby DENIED in its entirety.

**E N T E R :**

**s/ James H. Jarvis**  
UNITED STATES DISTRICT JUDGE